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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,596	01/23/2004	Marvin M. May	6829P001	7728
8791	7590	04/03/2006		
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			EXAMINER CHIN SHUE, ALVIN C	
			ART UNIT	PAPER NUMBER
			3634	

DATE MAILED: 04/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/763,596	<b>Applicant(s)</b> MAY, MARVIN M.	
	<b>Examiner</b> Alvin C. Chin-Shue	<b>Art Unit</b> 3634	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 February 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) 3-8, 12-26 and 30-43 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 9-11, 27, 29, 44 and 45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/1/04</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,44 and 45 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Woodward.

Claims 44 and 45 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Bruce.

Claims 1,2,9,10,28, 44 and 45 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Wahlefeld.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9,10 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruce in view of Macdonald. Bruce shows the claimed system with the exception of the winch. Macdonald shows a winch for a closed loop of traveling rope. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Bruce with a winch for his traveling rope,

in lieu of his wheel, for raising and lowering his container. Furthermore, to use a conventional breech, loadable hoist winch, for the winch as taught by Macdonald, would have been an obvious engineering expediency, by the substituted uses of known equivalent elements for their known advantages.

Claims 11,27 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruce and Macdonald, as applied to claim 10 above, and further in view of Chenoweth. Chenoweth shows a movable pulley to enable adjustment in a cable loop. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Bruce with a movable pulley to enable adjustment in the tensioning of his cable loop.

Claims 1,2,9,10 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor in view of Macdonald. Taylor shows the claimed system with the exception of the closed loop and winch. Macdonald shows a winch for a closed loop of traveling rope. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Bruce with a closed loop and winch for his traveling ropes 52 and hoisting means 53 for raising and lowering his container. Furthermore, to use a conventional breech, loadable hoist winch, for the winch as taught by Macdonald, would have been an obvious

engineering expediency, by the substituted uses of known equivalent elements for their known advantages.

Claims 11,27 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor and Macdonald, as applied to claim 10 above, and further in view of Chenoweth. Chenoweth shows a movable pulley to enable adjustment in a cable loop. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Taylor with a movable pulley to enable adjustment in the tensioning of his cable loop.

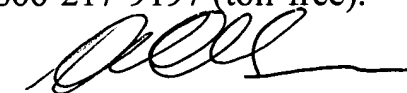
Claims 11,27 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wahlefeld in view of Chenoweth. Wahlefeld shows the claimed system with the exception of the movable pulley. Chenoweth shows a movable pulley to enable adjustment in a cable loop. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Wahlefeld with a movable pulley to enable adjustment in the tensioning of his cable loop.

Claims 3-8,12-26,30-43 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 1/9/06 and 2/17/06.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin C. Chin-Shue whose telephone number is 571-272-6828. The examiner can normally be reached on Monday-Friday, 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alvin C. Chin-Shue  
Examiner  
Art Unit 3634

Benennung		Normblatt Zwang M.		Werkstoff		Lsg		Herstellung Modell Nr. Gezeichnet Nr.		Fertige Lsgen		Bemerkung	
ps		Maße ohne Toleranzangaben "mittel" DIN 7160		Grenzablen- nungen Reihe 3 DIN 7341		Verstärk A1,250		Werkstoff Metall					
		Datum		Name		Bemerkung							
		Maße Z. 178		Bemerkung									
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		Maße Z. 178		Bemerkung									
Zeichnungsnummer		5734,0003.02		Hochreiter am Wiener AKH									
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Datum		Ums.		Wahlfeld KREFELD									
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